LEWIS BRISBOIS BISGAARD & SMITH LLP
MARILYN R. MORIARTY [CA State Bar No. 89818]
RITA R. KANNO [CA State Bar No. 230679]
Email: rkanno@lbbslaw.com
550 West C Street, Suite 800
San Diego, California 92101
Telephone: (619) 233-1006
Facsimile: (619) 233-8627

Attorneys for Defendants RADY CHILDREN'S HOSPITAL SAN DIEGO (erroneously sued as CHILDREN'S HOSPITAL) and DIANA CHASE, N.P.

LEWIS BRISBOIS BISGAARD & SMITH LLP
550 WEST "C" STREET, SUITE 800
SAN DIEGO, CALIFORNIA 92101-3540
TELEPHONE (619) 233-1006

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS; JULIE SMITH; NADIA NAJORS; MEGAN PETFINGER; REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN; CHILDREN'S HOSPITAL; DIANA CHASE, NURSE; DEBRA DAVIES, LCSW, Defendants.	Case No. 07 CV 1836 JAH (JMA) Honorable John A. Houston Courtroom 11 **NOTICE OF JOINDER AND JOINDER OF DEFENDANTS', RADY CHILDREN'S HOSPITAL SAN DIEGO'S ERRONEOUSLY SUED HEREIN AS CHILDREN'S HOSPITAL, AND DIANA CHASE, N.P. TO DEFENDANT JULIE SMITH'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)** **Complaint Filed: September 19, 2007** Hearing Date: March 3, 2008 Hearing Time: 2:30 p.m.

Defendants RADY CHILDREN'S HOSPITAL SAN DIEGO (erroneously sued as CHILDREN'S HOSPITAL) (hereinafter "RCHSD"), and DIANA CHASE (hereinafter collectively "defendants"), hereby join in defendant Julie Smith's NOTICE OF MOTION AND MOTION TO DISMISS scheduled for ruling on March 3, 2008 at 2:30 p.m. in Department 11 of the above-captioned Court.

LEWIS BRISBOIS BISGAARD & SMITH LLP
550 WEST "C" STREET, SUITE 800
SAN DIEGO, CALIFORNIA 92101-3540
TELEPHONE (619) 233-1006

I. INTRODUCTION

On January 18, 2008, defendants RADY CHILDREN'S HOSPITAL SAN DIEGO (erroneously sued as CHILDREN'S HOSPITAL) (hereinafter "RCHSD"), and DIANA CHASE moved this Court for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint of plaintiff CARMEN POWELL in its entirety.

On January 9, 2008, defendant Julie Smith, also filed a motion requesting the Court dismiss plaintiff's Complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

All defendants are similarly situated in this matter regarding the allegations in the Complaint.

II. RCHSD AND DIANA CHASE JOIN IN THE MOTION TO DISMISS OF DEFENDANT JULIE SMITH

Pursuant to Local Rule 7.1(j), United States District Court, Southern District of California, defendants RCHSD and Diana Chase hereby join in the motions filed by defendant Julie Smith., which asks that plaintiff's complaint be dismissed, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

III. CONCLUSION

For the reasons set forth in their own Motion to Dismiss, and for the reasons set forth in the Motion to Dismiss filed by defendant Julie Smith, the complaint of plaintiff CARMEN POWELL should be dismissed as to defendants RADY CHILDREN'S HOSPITAL SAN DIEGO and DIANA CHASE.

Dated: January 18, 2008 LEWIS, BRISBOIS, BISGAARD & SMITH

by: /S/ Rita R. Kanno
Marilyn R. Moriarty
Rita R. Kanno
Attorneys for Defendants
RADY CHILDREN'S HOSPITAL SAN DIEGO (erroneously sued as CHILDREN'S HOSPITAL), and DIANA CHASE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): TELEPHONE NO.: COURT USE ONLY
MARILYN R. MORIARTY (CA BAR 89818) (619) 233-1006
RITA R. KANNO (CA BAR 230679) FAX: (619) 233-8627
LEWIS, D'AMATO, BRISBOIS & BISGAARD LLP
550 WEST "C" STREET, SUITE 800
SAN DIEGO, CALIFORNIA 92101
E MAIL: KANNO@LBBSLAW.COM

ATTORNEYS FOR DEFENDANT RADY CHILDREN'S HOSPITAL SAN DIEGO, DIANA CHASE, NP

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
880 FRONT STREET, SAN DIEGO, CALIFORNIA 92101

PLAINTIFF(S)PETITIONER(S) CARMEN POWELL

DEFENDANT(S)/RESPONDENT(S) CITY OF CHULA VISTA, et al.

CASE NUMBER:
07 CV 1836 JAH (JMA)

PROOF OF SERVICE

HONORABLE JOHN A. HOUSTON
COURTROOM 11

I, the undersigned, declare that: I am over the age of 18 years and not a party to the case; I am employed in, or am a resident of the County of San Diego, California, where the mailing occurs; and my business address is 550 West "C" Street, Suite 800, San Diego, California. On this date, January 18, 2008, I served documents via the United States District Court for the Southern District of California's Electronic Case Filing system described as follows:

1. **DEFENDANTS', RADY CHILDREN'S HOSPITAL SAN DIEGO'S (ERRONEOUSLY SUED HEREIN AS CHILDREN'S HOSPITAL), AND DIANA CHASE, N.P. NOTICE OF MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

2. **DEFENDANTS RADY CHILDREN'S HOSPITAL SAN DIEGO'S (ERRONEOUSLY SUED AS CHILDREN'S HOSPITAL), AND DIANA CHASE'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

3. **NOTICE OF JOINDER AND JOINDER OF DEFENDANTS', RADY CHILDREN'S HOSPITAL SAN DIEGO'S ERRONEOUSLY SUED HEREIN AS CHILDREN'S HOSPITAL, AND DIANA CHASE, N.P. TO DEFENDANT JULIE SMITH'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

4. **DEMAND FOR JURY TRIAL**

on designated recipients (as currently maintained as of the date and time of this filing on the United States District Court for the Southern District of California's Electronic Case Filing system) through electronic transmission through the United States District Court for the Southern District of California's Electronic Case Filing system. Upon completion of said transmission of said documents, a certified receipt is issued to filing party acknowledging receipt by the United States District Court for the Southern District of California's Electronic Case Filing system. Once the United States District Court for the Southern District of California's Electronic Case

Ricky R Sanchez
County of San Diego Office of County Counsel
1600 Pacific Highway
Room 355
San Diego, CA 92101-2469
(619) 531-4874
(619) 531-6005 (fax)
ricky.sanchez@sdcounty.ca.gov

[X] BY US MAIL
CARMEN POWELL
327 BAY LEAVE DRIVE
CHULA VISTA, CA 91910

[X] **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California that the above is true and correct and this document was printed on recycled paper.

Dated: January 18, 2008 /s/

KATHIE RICHMOND